

BellSouth D.C., Inc.
Legal Department
Suite 900
1133 21st Street, N.W.
Washington, D.C. 20036-3351

bennett.ross@bellsouth.com

Bennett L. Ross
General Counsel-D.C.

202 463 4113
Fax 202 463 4195

November 28, 2005

EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *IP-Enabled Services Rulemaking*, WC Docket No. 04-36;

E911 Requirements for IP-Enabled Service Providers, WC Docket No. 05-196

Dear Ms. Dortch:

BellSouth Corporation ("BellSouth") respectfully submits this letter to respond to three issues raised in the November 14, 2005 filing by Vonage Holdings Corporation ("Vonage").¹

First, there appears to be some confusion about what constitutes a pANI, as evidenced by Vonage's claim that "neither IVPs [interconnected VoIP providers], VSPs [VoIP service providers], *nor CLEC carriers* can obtain these resources."² Apparently, Vonage is referring to nondialable numbers, of the form of NPA-211-XXXX and NPA-511-XXXX, which are used as pANI in certain regions and to which competing carriers may not have access. However, BellSouth does not limit pANIs to nondialable numbers but rather allows dialable numbers to be used for pANI purposes. In fact, wireless carriers use dialable numbers for pANI as does one VoIP Positioning Center ("VPC") in BellSouth's region today, and both VSPs and CLEC carriers have ready access to these resources.

Second, BellSouth supports Vonage's suggestion concerning the appointment of a national Routing Numbering Administrator ("Administrator"). The Alliance for Telecommunications Industry Solutions ("ATIS"), the Emergency Service Interconnection Forum ("ESIF"), and the North American Numbering Council ("NANC") have endorsed the appointment of an Administrator to administer pANI numbering resources, which would

¹ Ex Parte Letter from Jeffrey A. Citron, Chairman and CEO of Vonage Holdings Corp., to the Honorable Kevin J. Martin, Chairman, FCC (November 14, 2005).

² *Id.* at 4 (emphasis in original).

facilitate compliance with the requirements of the Commission's June 3, 2005 Order in Docket No. 05-196; assist in the establishment of guidelines and procedures for the use of pANIs in all modes of communication; and oversee the effective and efficient conservation of a finite numbering resource. This endorsement included a recommendation of certain criteria necessary for a VSP or VPC to obtain pANIs, which, if accepted, would include a certification of sorts by which the VSP and VPC could acquire North American Numbering Plan Administration ("NANPA") resources to use as pANIs, in order to facilitate the provisioning of E911 services to VoIP end users. Under this approach, an Administrator would allocate (and manage) nondialable numbers to VSPs and VPCs, similar to the allocation and management functions performed by NANPA for dialable numbers.

Even if non-carriers are required to continue filing waivers to obtain numbering resources, there is still advantage to establishing an Administrator for management of nondialable numbers. For example, there are several areas within BellSouth's region where BellSouth shares a 911 tandem with Verizon and Sprint (which are also E911 system service providers in BellSouth's region). If BellSouth assigned a nondialable number to a VSP through a professional services agreement for use as a pANI, BellSouth would need to ensure that neither Verizon nor Sprint had assigned the same pANI. An Administrator could manage this oversight function on a national basis.

In the absence of an Administrator, BellSouth has offered to assign and manage nondialable pANIs through a professional services agreement with its VSP customers. The agreement provides pANIs for use by VSPs in supplying VSP end users with enhanced 911 capabilities. Specifically, BellSouth has offered to provide: (i) a listing of PSAPs served by each of BellSouth's E911 tandem switches; (ii) maintenance of a database containing pANI assignments and allocations; and (iii) a record of pANIs assigned to the customer at each of BellSouth's E911 tandem switches. BellSouth believes this arrangement is not ideal, given the industry's preference for a neutral administrator of numbering resources. Therefore, BellSouth's professional services agreement would terminate with the appointment of an Administrator.

Third, Vonage's claim that, while awaiting the Commission's decision on the appointment of an Administrator, "ILECs have either not made pANI-ESQK available or have delayed issuing pANI-ESQK for months" does not apply to BellSouth.³ BellSouth has been working cooperatively with Vonage on E911 issues since March 2005, when BellSouth designated one of its vice presidents as the single point of contact for E911 discussions. In May 2005, in response to Vonage's request, BellSouth announced that it would offer direct connectivity to each of the selective routers in its region. BellSouth developed this new service on an expedited basis, and the tariff for this service became effective on August 2, 2005.

While this service was being developed, BellSouth initiated weekly meetings with Vonage in May 2005, which were designed to learn about, understand, and respond to Vonage's E911 needs for its VoIP services. It was during the course of these meetings that Vonage

³ *Id.* at 4.

Ms. Marlene H. Dortch

November 28, 2005

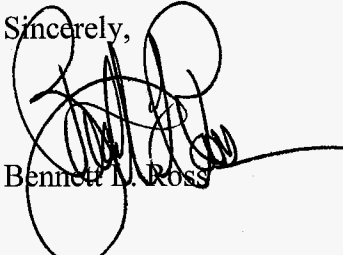
Page -3-

requested that BellSouth provide pANI-ESQK numbers, even though Vonage could readily obtain dialable numbers for pANI-ESQK purposes from CLECs.

Nevertheless, BellSouth developed an entirely new pANI-ESQK service in response to Vonage's request. This newly developed service was outlined in a professional services agreement that BellSouth provided to Vonage on July 29, 2005. Although the service was developed exclusively for Vonage at its sole request, Vonage did not respond to BellSouth's proposed agreement or express to BellSouth any intention to take the service until November 14, 2005 (the date of Vonage's recent *ex parte*) when Vonage returned an amended version of the agreement. Thus, to the extent Vonage's allegations that ILECs have refused to make pANI-ESQK available or have delayed doing so could be read to apply to BellSouth, such a reading would be inaccurate.

Please include a copy of this letter in the record in the above-referenced proceedings. Thank you for your attention to this matter.

Sincerely,


Bennett M. Ross

BLR:dlr

#611904

cc: Dan Gonzalez
Michelle Carey
Jessica Rosenworcel
Lauren Pete Belvin
Scott Bergmann
Tom Navin
Julie Veach
Pam Arluck
Christie Shewman
Nicholas Alexander
Tim Stelzig